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THE HISTORY OF CONSPIRACY AND ABUSE OF LEGAL PROCEDURE. Cambridge Studies in English Legal History, Vol. I. By Percy Henry Winfield. Cambridge, England: University Press. 1921. pp. xxvii, 217.

The new life that was breathed into the English universities a hundred years ago quickened every branch of learning but that of law. In its homeland the common law was still deemed unworthy of serious study; the universities judging that only the law of Rome could yield return for scientific research. A half century passed before the common law really got a foothold. Not until the historical study of the English law was undertaken did any phase of it seem capable of scientific treatment. In fact, the school of reformers which derived from Bentham saw in law only an aggregate of unrelated rules; the Langdellian vision of the "seamless web" was seen by Maitland and inspired that fine phrase, but it has made its way slowly with British lawyers.

Under Maitland in Cambridge, and Sir Frederic Pollock and Sir Paul Vinogradoff in Oxford, the historical method changed this attitude of the universities. English legal history took its place in the legal curriculum, and was followed by the law itself; so that now about a year of English law, out of a three-year course, is offered at these universities.

In Cambridge, especially, Maitland's enthusiasm for the constructive history of law has not been allowed to die; his benign features rouse the ambition of the undergraduate in the Squier Law Library and his speaking portrait cherishes the zeal of his successor in the hall of Downing. The torch has not failed. Professor Hazeltine's valued writings have kept it alight. His inspiration is felt in the recent foundation, by the younger teachers, of the *Cambridge Law Journal*. Finally we have this first volume of the Cambridge Studies in English Legal History. This productivity proves the force of the example, and it shows as well the health and vigor of the new life. The true spirit of legal learning is still animating Maitland's university.

In a modest preface Professor Hazeltine sets forth the program of the new series. "The point of view adopted in planning the series is that English law has a place in world history and not merely in insular history." "Two kinds of studies will be included in the series: monographs and editions of texts." In no place so well as in Cambridge could the old texts of the law be edited. The incomparable collection of early legal manuscripts, and the almost unrivalled collection of early printed English law books in the Cambridge University Library make it almost the duty of her scholars to edit the unprinted texts. As for the monographs, Dr. Winfield's book makes us eager for more.

After a general chapter on ancient dealings with abuse of legal process, the writ of conspiracy is taken up, and good reason given for concluding that it was based only on the Ordinance of Conspirators. The scope of the writ and the essentials to liability are next considered. In this chapter great force is added to the argument by the use of material still in manuscript.

The history of the writ and of the criminal procedure is then developed, through its "withering" by the Star Chamber, to its gradual extension to cover trade combinations; and the supersession of the writ by the action on the case follows. Thus bringing the law down to modern times, the author has prepared the ground for his promised work on the modern law.

Three chapters on Maintenance and Champerty, on Embracery and Misconduct of Jurors, and on Common Barratry, finish the discussion; and an index follows.

Of the work of Dr. Winfield one can speak only in the highest praise. He seeks his authorities in many fields. Mention has already been made of his careful use of the manuscripts. He also makes the parliament rolls yield rich returns. The author has proved himself one of the very best of those scholars who can make the legal past throw its light upon the present law.

J. H. BEALE.